

USDOL/OALJ Reporter

Fuchko & Yunker v. Georgia Power Co., 89-ERA-9 (Sec'y Oct. 12, 1994)

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DATE: October 12, 1994
CASE NOS. 89-ERA-9
89-ERA-10

IN THE MATTER OF

JOHN M. FUCHKO and
GARY A. YUNKER,

COMPLAINANTS,

v.

GEORGIA POWER COMPANY,

RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER APPROVING SETTLEMENT
AND DISMISSING CASE

On June 13, 1994, I issued an order in this case granting conditional approval to a redacted settlement submitted by the parties and giving the parties 30 days to submit an unredacted copy of the settlement for review. The parties have now submitted an unredacted copy of the settlement [1] and I find, with the limitations noted in my June 13 order, that it is a fair, adequate and reasonable settlement of Complainants' claims under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1988), and I approve it.

Accordingly, this case is DISMISSED with prejudice. Release and Settlement Agreement, ¶ 5 (d); Stipulation of Dismissal with Prejudice dated Jan. 31, 1989.

SO ORDERED.

ROBERT B. REICH
Secretary of Labor

Washington, D.C.

[ENDNOTES]

[1] The parties correctly point out that the June 13, 1994 order was incorrectly served on the parties' counsel by serving them at out of date addresses, although I note that the Complainants individually were served. For that reason, the parties did not respond to the June 13 order within the time prescribed and the Secretary issued an order on September 19, 1994 remanding this case to the Administrative Law Judge for a hearing. The order issued today fully resolves this matter and the record will reflect that the parties did not fail to comply with the June 13 order.